IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 15954 of 2003

&

CC NO : 342 of 2004

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WRIT PETITION NO : 15954 of 2003

Between:

Ch. Bhaskara Chary s/o Sathaiah
R/o 2-4-75, sher Bunglow Nalgonda District

... PETITIONER

AND

1 Central Power Distribution Company of Andhra Pradesh limited (CPDCAPL) rep by its Circle, Nalgonda,
2 Superintendent Engineer Operation Circle, Central Power Distribution Company of Andhra Pradesh Limited Nalgonda

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ specially Writ of Mandamus by setting aside the impugned Lr. No. SE/OP/NLG/ADM/D. No. 58/03 dated 14-4-2003 issued by the 2nd respondent as illegal, arbitrary void, without jurisdiction and contrary to Rule 5 (b) of B.P. Ms. No., 36 dated 18-5-1997 and consequently direct the respondents to issue order by appointing/absorbing the petitioner in the post of LDC in the respondent company by granting all attendant and ancillary benefits forthwith

Counsel for the Petitioner: MR.M.VENKAT RAM REDDY

Counsel for the Respondents: MR.S.RAVINDRANATH

CC NO : 342 of 2004

Between:

Ch.Bhaskara Chary, s/o Sathaiah,
R/o 2-4-75, Sher Bunglow,
Nalgonda town & dist.

.... PETITIONER

AND

Mr.C. Laxmi Narayana, Superintendent Engineer (Operations)
A.P. Central Power Distribution Co.ltd (AP Transco) (operation Circle)
Nalgonda Town & Dist.

...RESPONDENT

Counsel for the Petitioner:MR.M.VENKAT RAM REDDY

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court made the following order:

ORDER:

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Heard both the counsel for the respective parties.

It is stated that pursuant to the notification issued on 11.03.2001 by the Andhra Pradesh Central Power Distribution Corporation Limited (APCPDCL) inviting applications from the

eligible Ex-Casual Labour/Village Electricty Workers/Contract Labourers who worked/engaged for considering against the left over 50 per cent of the existing vacancies in the cadre of Lower Division Clerk (LDC)/Sub-Engineer in terms of B.P.Ms.No.33 dated 18.05.1997. The petitioner submitted an application in the prescribed format by enclosing attested copies of educational certificates, date of birth certificate and service certificate issued by the contractor and counter-signed by the official respondents.

Petitioner filed service certificate issued by contractor P. Linga Rao, under whom he worked for various LS/K2 Agreements in respect of the respondent corporation for the period mentioned in the service certificate.

Petitioner was called for interview, but his case was not considered on the ground that he has not passed Typewriting Lower Grade examination as per B.P.Ms.No.235 dated 03.08.1993. It is stated that for the post of LDC the required qualification one must possess is to pass the Government Technical examination in Typewriting Lower Grade. But the said qualification is not applicable the persons who have been engaged before issuance of B.P.Ms.No.235 dated 03.08.1993.

As per B.P.Ms.No.36 dated 18.05.1997 at Para 5 (b) also education qualifications shall be as per Board's service regulations in force at the time of their first appointment. Therefore, it is the case of the petitioner that he is entitled for the post of LDC without possessing the typewriting lower grade qualification as he was first engaged in April, 1993, before issuance of the said B.P.Ms.No.235 dated 03.08.1993.

The Second respondent rejected the case of the petitioner vide his letter No.SE/OP/NLg/ADM/D.No.58/03 dated 14.04.2003 only on the ground that petitioner does not posses typewriting qualification as per B.P.Ms.No.235 dated 03.08.1993.

Learned counsel for the petitioner submits that as the petitioner is engaged before 03.08.1993, typewriting qualification is not essential for the post of LDC. Therefore, the only question that arises for consideration is whether petitioner was engaged as contract labour under any of the contract prior to 03.08.1993. The petitioner filed service certificate issued by P.Linga Rao, Contractor, APSED (Transco, CPDL). One of the works executed by the

said contractor under whom petitioner said to have worked is Erection of 25 No.Street Lights at Ogodu Village, Nakrekal Mandal, under the K2 Agreement No.87/92-93, but by mistake it was printed as K2 Agreement No.86/92-93 in the service certificate.

To verify the said fact as to whether the work given to the contractor was under the agreement K2 Agr.No.87/92-93 or K2 Agr.No.86/92-93, the learned counsel appearing for the respondents was directed to produce the records.

Sri. S. Ravindranath, learned counsel appearing for the respondents produced the records and submitted that, in fact, K2 Agr.No.87/92-93 dated 30.03.1993 was given to the contractor,
P. Linga Rao.

If that be so, I am of the opinion that the petitioner worked under the contractor, as per the service certificate produced by him, under K2 Agr.No.87/92-93 in respect of erection of 25 No.Street Lights at Ogodu Village, Nakrekal Mandal. Therefore, as the petitioner himself submits that there was a mistake on his part in mentioning the correct agreement number, but the respondents without verifying the records, rejected his case on the ground that he does not possess typewriting qualification as per B.P.Ms.No.235 dated 03.08.1993. On verification of the records it is found that the petitioner worked under the K2 Agreement No.87/92-93 dated 30.03.1993 i.e. prior to the B.P.Ms.No.235 dated 03.08.1993. Hence, the petitioner need not possess typewriting qualification. Therefore, the respondents are directed to consider the case of the petitioner and pass appropriate orders in accordance with law, if he is otherwise qualified under B.P.Ms.No.36 dated 18.05.1997. The impugned order is set aside.

The writ petition is accordingly disposed of. No costs.

In view of the disposal of the writ petition, the contempt case is closed.

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V. ESWARAIAH, J

November 1, 2004

Dsk

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Note: Furnish copy in one week

(B/o)

Dsk

To

1 The Superintending Engineer, Central Power Distribution Company of

Andhra Pradesh limited (CPDCAPL) Operation Circle, Nalgonda.
2 Superintendent Engineer Operation Circle, Central Power
Distribution Company of Andhra Pradesh Limited Nalgonda

3 Two CD Copies.